



Camden Council

Business Paper

Ordinary Council Meeting
11 May 2021

**Camden Council
Administration Centre
70 Central Avenue
Oran Park**



**This meeting will be held in accordance
with current NSW Health COVID-19
guidelines and restrictions**

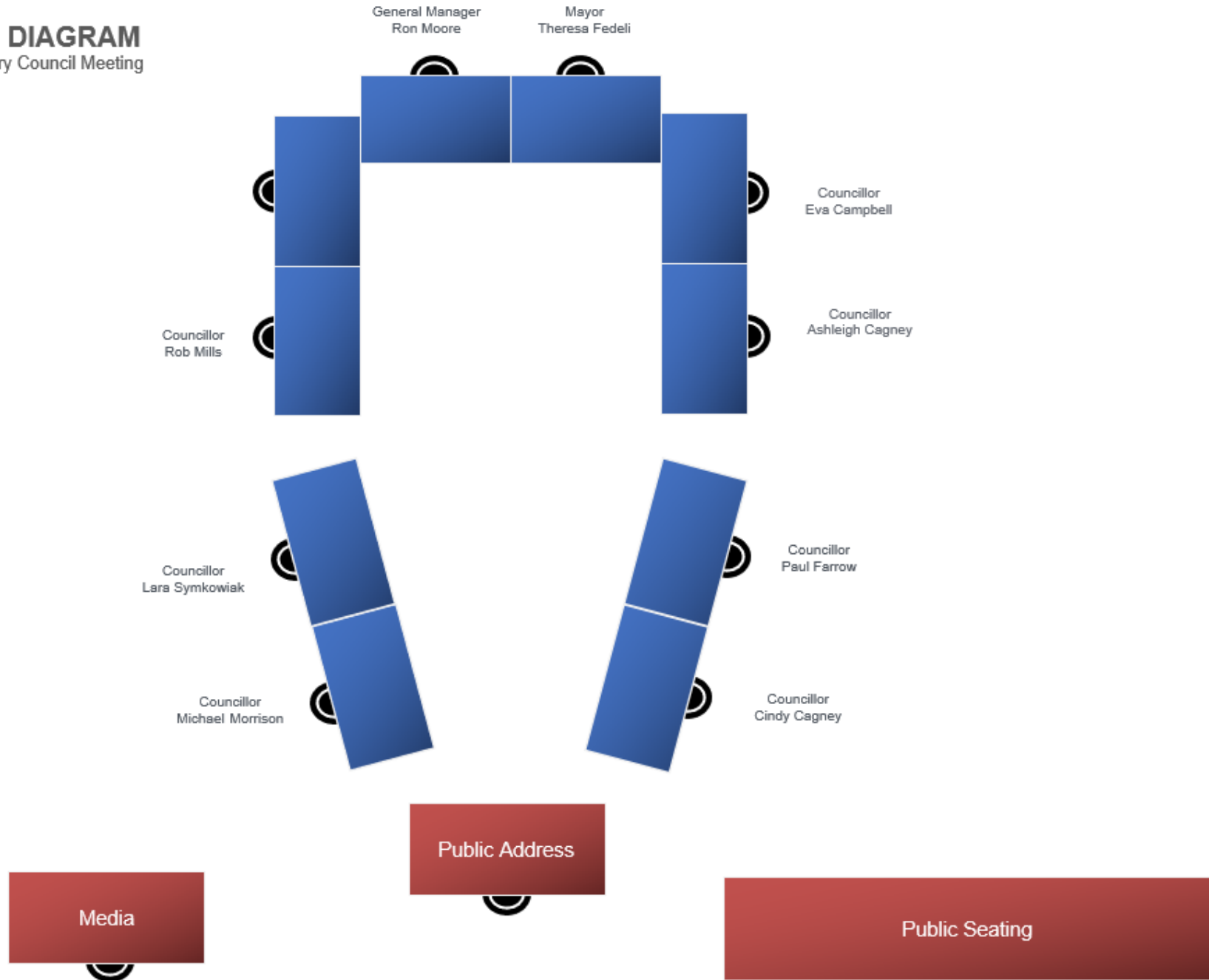


COMMON ABBREVIATIONS

AEP	Annual Exceedence Probability
AHD	Australian Height Datum
BCA	Building Code of Australia
CLEP	Camden Local Environmental Plan
CP	Contributions Plan
CRET	Camden Region Economic Taskforce
DA	Development Application
DCP	Development Control Plan
DPIE	Department of Planning, Industry & Environment
TfNSW	Transport for NSW
EIS	Environmental Impact Statement
EP&A Act	Environmental Planning & Assessment Act
EPA	Environmental Protection Authority
EPI	Environmental Planning Instrument
FPL	Flood Planning Level
GSC	Greater Sydney Commission
LAP	Local Approvals Policy
LEP	Local Environmental Plan
LGA	Local Government Area
LSPS	Local Strategic Planning Statement
REP	Regional Environmental Plan
PoM	Plan of Management
RL	Reduced Levels
S10.7 CERTIFICATE	Certificate as to zoning and planning restrictions on properties
S603 CERTIFICATE	Certificate as to Rates and Charges outstanding on a property
S73 CERTIFICATE	Certificate from Sydney Water regarding Subdivision
SEPP	State Environmental Planning Policy
SREP	Sydney Regional Environmental Plan
STP	Sewerage Treatment Plant
VMP	Vegetation Management Plan
VPA	Voluntary Planning Agreement

SEATING DIAGRAM

Camden Ordinary Council Meeting



ORDINARY COUNCIL

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ORDINARY COUNCIL

SUBJECT: PRAYER

PRAYER

Almighty God, bless all who are engaged in the work of Local Government. Make us of one heart and mind, in thy service, and in the true welfare of the people we serve: We ask this through Christ our Lord.

Amen

Almighty God, give thy blessing to all our undertakings. Enlighten us to know what is right, and help us to do what is good: We ask this through Christ our Lord.

Amen

Almighty God, we pause to seek your help. Guide and direct our thinking. May your will be done in us, and through us, in the Local Government area we seek to serve: We ask this through Christ our Lord.

Amen

AFFIRMATION

We affirm our hope and dedication to the good Government of Camden and the well being of all Camden's residents, no matter their race, gender or creed.

We affirm our hope for the sound decision making by Council which can improve the quality of life in Camden.

Either – “So help me God” or “I so affirm” (at the option of councillors)

We pledge ourselves, as elected members of Camden Council, to work for the provision of the best possible services and facilities for the enjoyment and welfare of the people of Camden.

Either – “So help me God” or “I so affirm” (at the option of councillors)

ORDINARY COUNCIL

SUBJECT: ACKNOWLEDGEMENT OF COUNTRY

I would like to acknowledge the traditional custodians of this land on which we meet and pay our respect to elders both past and present.

ORDINARY COUNCIL

SUBJECT: WEBCASTING OF COUNCIL MEETINGS

In accordance with Camden Council's Code of Meeting Practice and as permitted under the *Local Government Act 1993*, this meeting is being live streamed and recorded by Council staff for minute taking and webcasting purposes.

No other webcasting or recording by a video camera, still camera or any other electronic device capable of webcasting or recording speech, moving images or still images is permitted without the prior approval of Council. Council has not authorised any other webcasting or recording of this meeting. A person may, as provided under section 10(2)(a) or (b) of the *Local Government Act 1993*, be expelled from a meeting of a Council for using or having used any device in contravention of this clause.

I remind those that are in the chamber that your image and what you say will be broadcast live to the public and will also be recorded so please be mindful of your actions and comments. You should avoid making statements that might defame or offend and note that Council will not be responsible for your actions and comments.

ORDINARY COUNCIL

SUBJECT: LEAVES OF ABSENCE

Leaves of absence tendered on behalf of Councillors from this meeting.

RECOMMENDED

That leaves of absence be granted.

ORDINARY COUNCIL

SUBJECT: DECLARATION OF INTEREST

NSW legislation provides strict guidelines for the disclosure of pecuniary and non-pecuniary Conflicts of Interest and Political Donations.

Council's Code of Conduct also deals with pecuniary and non-pecuniary conflict of interest and Political Donations and how to manage these issues (Clauses 4.28-5.19).

Councillors should be familiar with the disclosure provisions contained in the Council's Code of Conduct.

This report provides an opportunity for Councillors to disclose any interest that they may have or Political Donation they may have received relating to a Report contained in the Council Business Paper and to declare the nature of that interest.

RECOMMENDED

That the declarations be noted.

ORDINARY COUNCIL

SUBJECT: PUBLIC ADDRESSES

The Public Address session in the Council Meeting provides an opportunity for people to speak publicly on any item on Council's Business Paper.

The Public Address session will be conducted in accordance with the Public Address Guidelines. Speakers must submit an application form to Council's Governance team no later than 5.00pm on the working day prior to the day of the meeting.

Speakers are limited to one topic per Public Address session. Only seven speakers can be heard at any meeting. A limitation of one speaker for and one speaker against on each item is in place. Additional speakers, either for or against, will be identified as 'tentative speakers' or should only be considered where the total number of speakers does not exceed seven at any given meeting.

Where a member of the public raises a question during the Public Address session, a response will be provided where Councillors or staff have the necessary information at hand; if not, a reply will be provided at a later time. There is a limit of one question per speaker per meeting.

Speakers should ensure that their statements, comments and questions comply with the Guidelines.

All speakers are limited to four minutes, with a one minute warning given to speakers prior to the four minute time period elapsing. The commencement and conclusion of time shall be advised by the Mayor/Chairperson.

Public Addresses are recorded for administrative purposes. It should be noted that speakers at Council meetings do not enjoy any protection from parliamentary-style privilege. Therefore they are subject to the risk of defamation action if they make comments about individuals. In the event that a speaker makes potentially offensive or defamatory remarks about any person, the Mayor/Chairperson will ask them to refrain from such comments.

The Mayor/Chairperson has the discretion to withdraw the privilege to speak where a speaker continues to make inappropriate or offensive comments about another person, or make a point of order ruling if a speaker breaches the Guidelines.

Only the audio recording of the public address speakers will be heard on Council's webcast. Visual images of the speaker will not be captured as part of that webcast.

RECOMMENDED

That the public addresses be noted.

ORDINARY COUNCIL

SUBJECT: CONFIRMATION OF MINUTES

Confirm and adopt Minutes of the Ordinary Council Meeting held 13 April 2021.

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held 13 April 2021, copies of which have been circulated, be confirmed and adopted.



ORDINARY COUNCIL

SUBJECT: MAYORAL MINUTE

Consideration of Mayoral Minute (if any).



ORDINARY COUNCIL MEETING

ORD01

SUBJECT: PLANNING PROPOSAL - 220, 300, 350 AND 360 CHITTICK LANE, COBBITTY

FROM: Director Planning & Environment

TRIM #: 21/114433

PROPERTY ADDRESS 220, 300, 350 and 360 Chittick Lane, Cobbitty
 LOT: 2 DP: 239612
 LOT: 3 DP: 239612
 LOT: 4 DP: 239612
 LOT: 5 DP: 239612

PROPONENT The Planning Hub

OWNER Mr PM O'Grady
 Ms JA O'Grady
 O'Grady Trading Pty Ltd
 Strathcab Nominees Pty Ltd

PURPOSE OF REPORT

The purpose of this report is to advise Council of a draft Planning Proposal for 220, 300, 350 and 360 Chittick Lane, Cobbitty. The report recommends that Council not support the draft Planning Proposal for the reasons outlined in the report.

The draft Planning Proposal is provided as an **attachment** to this report.

BACKGROUND

In September 2020, a draft Planning Proposal was lodged by The Planning Hub (the proponent) who are acting on behalf of the landowners.

The draft Planning Proposal seeks to amend the Camden Local Environmental Plan 2010 (Camden LEP 2010) to facilitate the delivery of up to 800 residential lots of varying sizes that would accommodate a population of approximately 2,300 people, a neighbourhood centre and public open space. To achieve this, the proposal seeks to:

- Rezone the site from RU1 Primary Production to R2 Low Density Residential, R5 Large Lot Residential, E4 Environmental Living, E2 Environmental Conservation, B2 Local Centre and RE1 Public Recreation; and
- Amend the minimum lot size from 40ha to 600m² in the R2 zone, 700m², 900m², 1,500m² and 2,000m² in the E4 zone, and 1,500m² and 2,000m² in the R5 zone to facilitate up to 800 residential lots.

On 16 March 2021, the Camden Local Planning Panel (Panel) reviewed the draft proposal and considered it does not demonstrate strategic or site-specific planning merit. The Panel's recommendations are discussed later in this report and are provided as an **attachment** to this report.

In summary, Council officers do not support the proposal because the site lies outside the South West Growth Area (SWGA) and is within the Metropolitan Rural Area (MRA). Furthermore, there is uncertainty regarding the future design and timing of the proposed Outer Sydney Orbital (OSO), as well as uncertainty regarding the provision of adequate infrastructure and services to support urban development on the site.

Councillors were briefed on the draft Planning Proposal on 10 November 2020, 23 March and 20 April 2021.

Site Context

The site, known as ‘Tidapa’, is irregular in shape as shown in **Figure 1** and has a total area of approximately 146.52ha. It comprises of four lots that are currently used for cattle farming. The land has been historically cleared for grazing and includes a rural dwelling (with associated outbuildings) and existing farm dams.

The site contains areas of high and moderate ecological value, including the critically endangered Cumberland Plain Woodland (CPW). The site’s landscape character is gently undulating in parts, however with steep gradients in the north and central parts of the site. Flood affected land associated with Cobbitty Creek traverses the south eastern part of the site. The proposed OSO corridor traverses the south-western boundary of the site.

The location of the site and proposed OSO corridor is shown in **Figure 1** below.

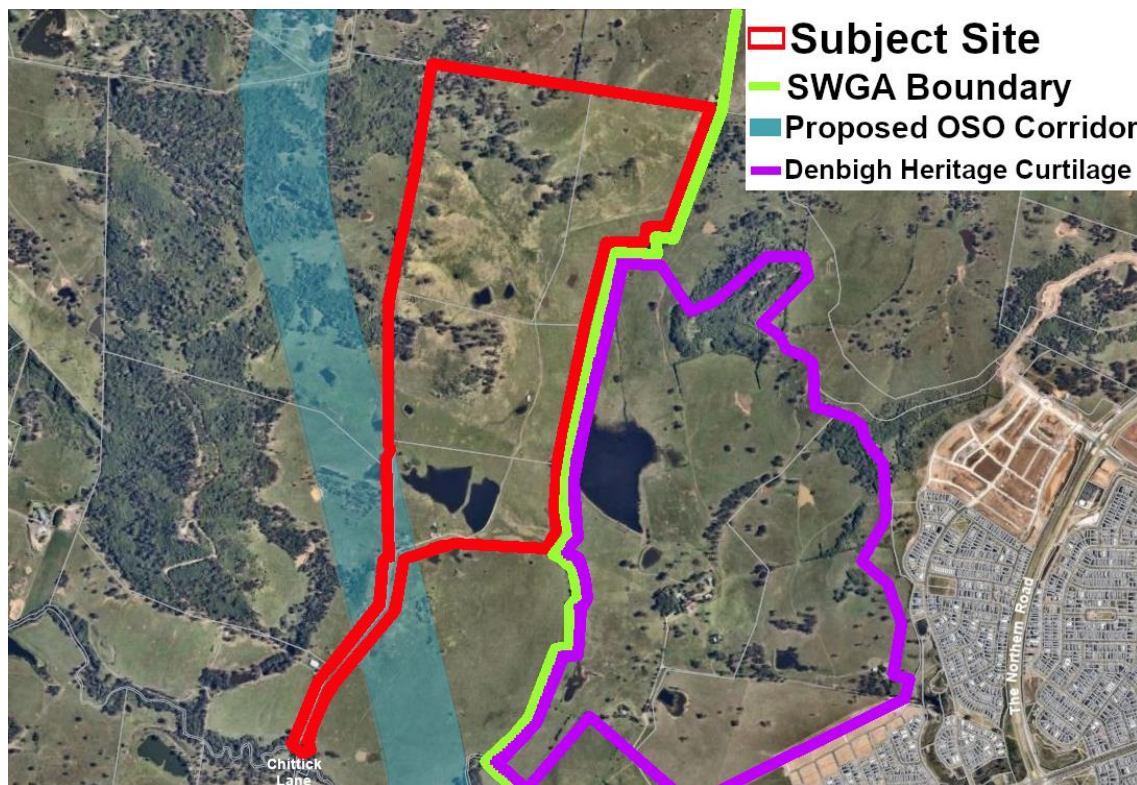


Figure 1: Site Context Map

Locality Context

The site is located outside the SWGA, west of the Oran Park Precinct boundary. As such, the site sits within the MRA. Access to the site is from Chittick Lane, Cobbitty. Cobbitty Village is located 3km to the south west of the site.



Surrounding land is zoned RU1 Primary Production under the Camden LEP 2010. Directly east of the site lies the state heritage listed Denbigh estate. Denbigh's heritage curtilage acts as buffer between rural lands to the west and urban lands to the east.

Under the Oran Park Indicative Layout Plan (ILP), the closest housing would be approximately 80m from the site's north eastern boundary. However, most of the housing in Oran Park would be set back at least 1,250m from the site's boundary. The South Creek West Precinct boundary adjoins the site at the north-eastern corner.

South Creek West, a precinct within the SWGA, adjoins the north-eastern corner of the site.

A map of the site's locality context is shown in **Figure 2** below.

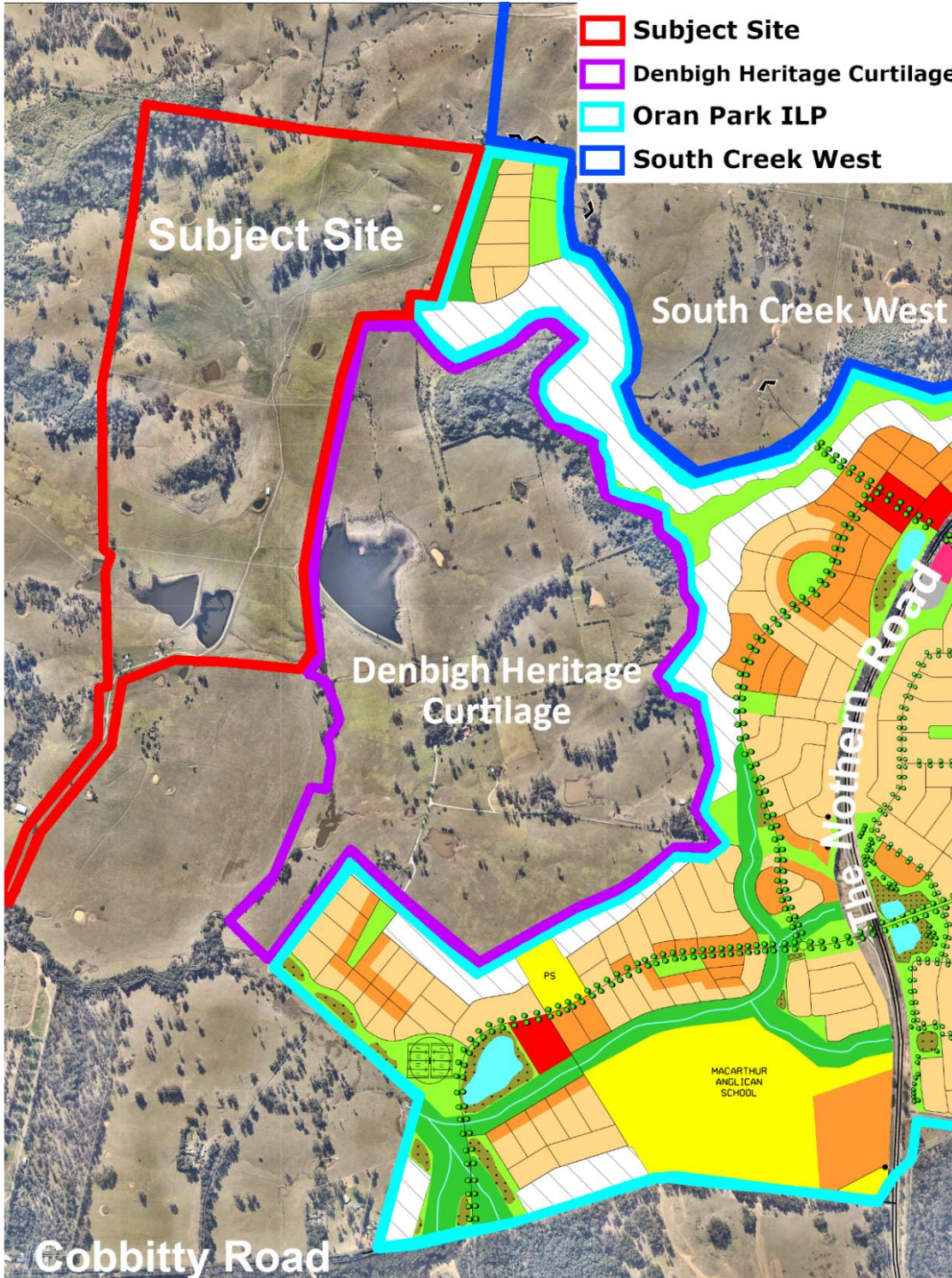


Figure 2: Locality context map

MAIN REPORT

Summary of Proposal

The draft Planning Proposal seeks to facilitate the delivery of a new master planned residential community, including provision of a neighbourhood centre and open space. The development proposes between 700 to 800 residential lots of varying lot sizes that would support a total population of approximately 2,300 people.



Proposal's Vision

The draft Planning Proposal includes the following objectives:

- Transition – a residential neighbourhood that provides a clear transition from urban development to the east of the site to rural lands to the west of the site;
- Natural and Cultural Environment – a residential neighbourhood that positively responds to the natural and cultural characteristics of the site; and
- Accessibility and Amenity – a well-designed and accessible residential neighbourhood that provides an appropriate connection to the surrounding locality, access to community facilities, services and public open space.

Proposed Structure Plan

The proposed structure plan is provided at **Figure 3** and summarised below.

Eastern parts of the site

The smallest residential lots (600m²) are proposed to be zoned R2 Low Density Residential, and are located within the lower-lying, eastern portion of the site. Landscaping is proposed to minimise the visual impact on the surrounding area, noting the proximity of the site's eastern boundary to the Denbigh heritage curtilage.

The proposed 'village hub' (to be zoned B2 Local Centre) is located near the site's eastern boundary, along the proposed north south collector road and in proximity to open space proposed to be zoned RE1 Public Recreation.

Central and western parts of the site

The remainder of the residential lots in the central and western parts of the site range from 700m² to 2,000m². These lots are proposed to be zoned a combination of R5 Large Lot Residential and E4 Environmental Living. Areas of ecological sensitivity are proposed to be retained and zoned E2 Environmental Conservation and E4 Environmental Living. The proposal emphasises the integration of development into the site's natural landscape to reduce its visual prominence from Denbigh.

One north-south collector road is proposed to facilitate access to the local street network within the site. This road would provide an internal connection from Chittick Lane that currently provides access to the site. The proposed structure plan suggests this north-south collector road will ultimately link up with the future road network serving the broader SWGA.

The proposal also seeks to retain and revegetate riparian corridors traversing the land in an east-west direction. A potential north-south active transport route ('Greenway Link'), is proposed to traverse the site's eastern boundary and be zoned RE1 Public Recreation. Nodes of open space are planned to be located along the riparian corridors and areas of existing vegetation.

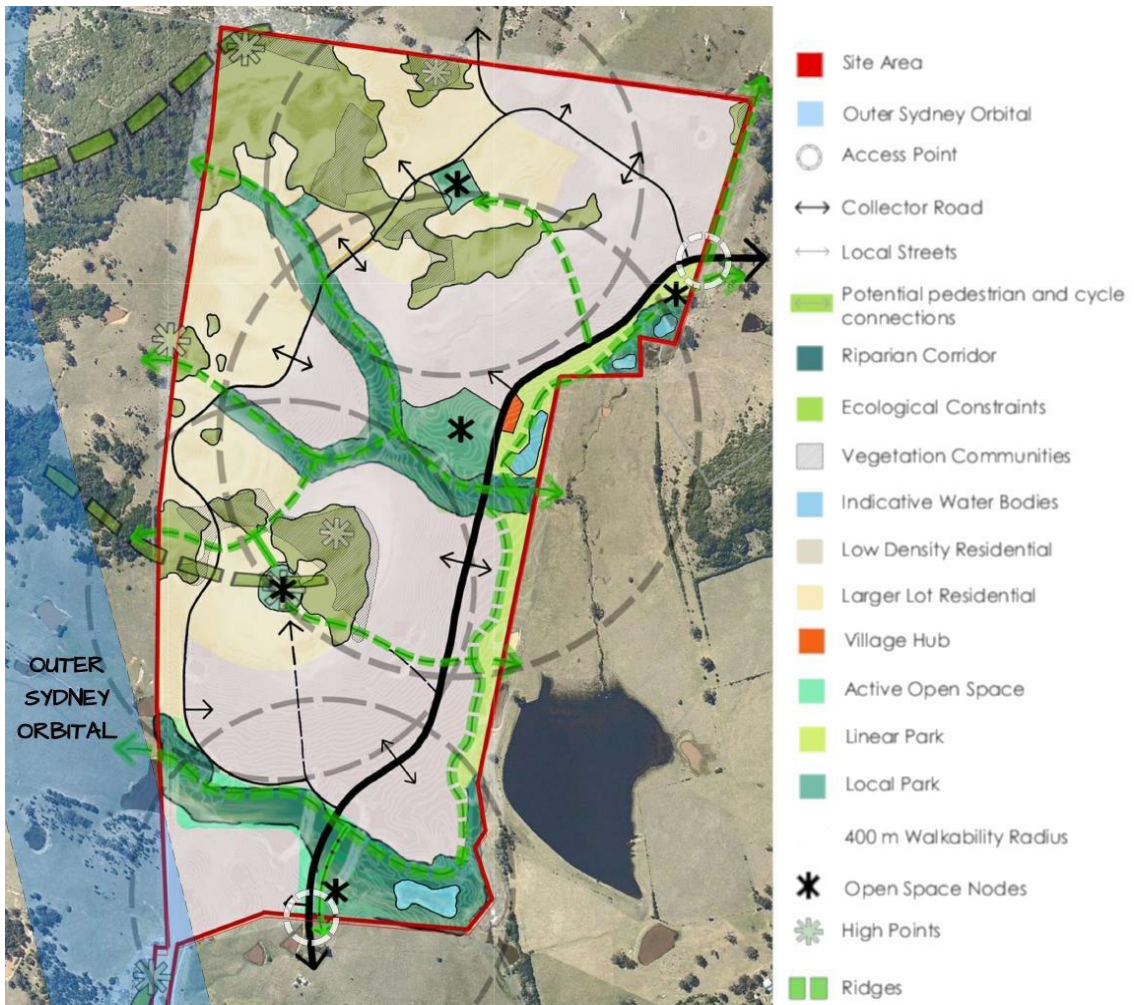


Figure 3: Proposed Structure Plan

Community benefits as outlined by the proposal

The draft Planning Proposal argues its strategic and site-specific planning merit is demonstrated under the following key themes:

- Provides for a logical extension of urban development to the proposed OSO;
- Reduces rural land fragmentation and land use conflicts;
- Provides additional residential land for the housing needs of the community; and
- Incorporates the site’s significant environmental and cultural features.

The proposal states its community benefits include pedestrian and cyclist links, riparian corridors, open space and retail uses.



Zoning and Permissibility

The site is zoned RU1 Primary Production and has a minimum lot size of 40ha under Camden LEP 2010. A comparison between the existing and proposed zoning and lot sizes is provided in **Table 1**. Existing and proposed Camden LEP 2010 zoning and lot size maps are shown in **Figures 4 to 7**.

	Existing	Proposed
Zoning (LZN)	RU1 Primary Production	R2 Low Density Residential E4 Environmental Living R5 Large Lot Residential E2 Environmental Conservation RE1 Public Recreation B2 Local Centre
Lot Size (LSZ)	40ha	R2 General Residential - 600m ² E4 Environmental Living – 700, 900, 1,500, and 2,000m ² R5 Large Lot Residential – 1,500 and 2,000m ²
Height	9.5m	9.5m (No change)

Table 1: Existing and Proposed LEP Provisions

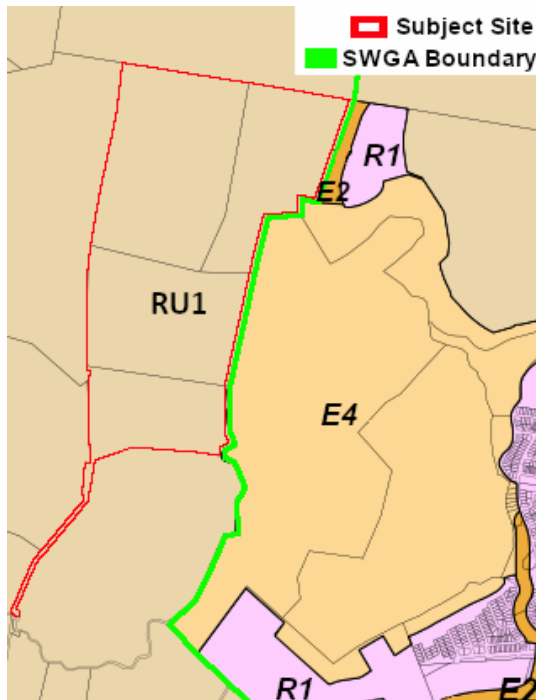


Figure 4: Existing Zoning

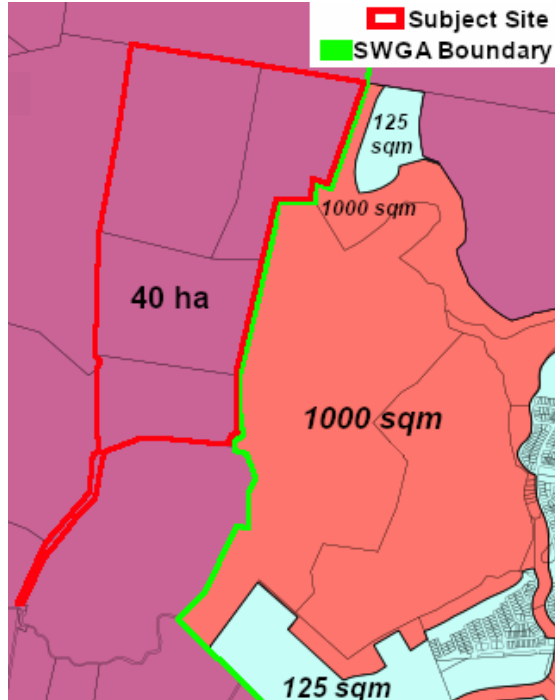


Figure 5: Existing Minimum Lot Size

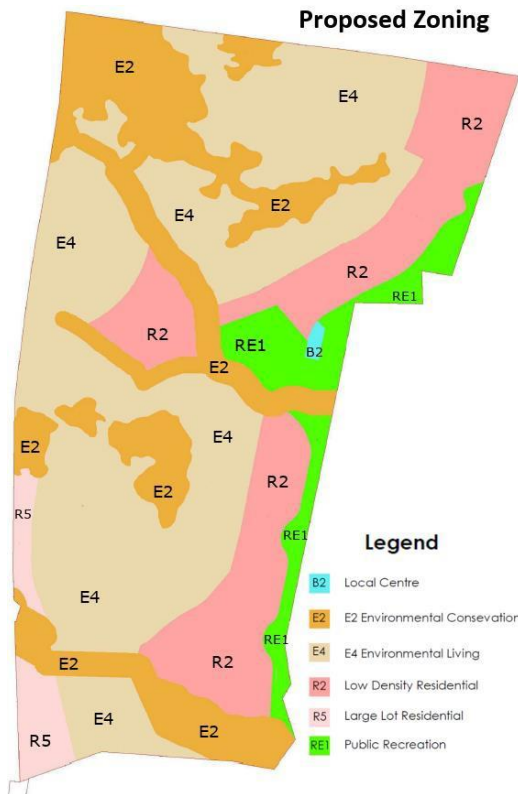


Figure 6: Proposed Zoning

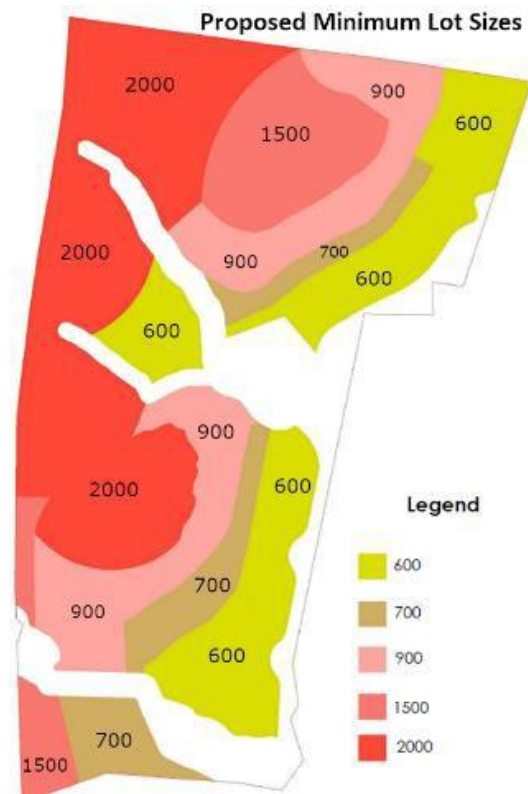


Figure 7: Proposed Minimum Lot Size

Specialist Studies

As outlined in **Table 2**, the following specialist studies have been submitted with the draft Planning Proposal and are provided under **separate cover** to this report.

Specialist Study	Author	Date
Greenway Strategy	McGregor Coxall	July 2020
Rural Lands Scoping Report	GHD	June 2020
Ecological Constraints Analysis	Cumberland Ecology	September 2020
Bushfire Constraints Report	ABPP	August 2020
Aboriginal Due Diligence Assessment	Artefact	July 2020
Heritage Impact Statement	Weir Phillips Heritage	August 2020
Services and Infrastructure Delivery Strategy	AT&L	July 2020
Traffic and Transport Assessment	JMT Consulting	September 2020
Housing Market Analysis	Hill PDA	August 2020
Social and Community Infrastructure Assessment	Hill PDA	August 2020

Table 2: Submitted Specialist Studies

A summary of the findings of the specialist studies and Council officer comment is provided as an **attachment** to this report.

Key Issues

Council officers have assessed the draft Planning Proposal. Key issues arising from the officers' assessment are discussed below:



Strategic Planning Merit

The proposal purports to demonstrate strategic planning merit, as it seeks to respond to changing local circumstances. The proponent states these changes have not been recognised by the existing SWGA controls which are based on Government policy from 2004.

The proposal suggests the site forms the most logical location for a new urban boundary in the locality, because it is located adjacent to the proposed OSO corridor. As a result, it proposes the site provides an appropriate transition from development located to its east to rural lands to its west.

The proponent notes Council's March 2017 submission to the Draft South West District Plan commented the development of the proposed OSO has the potential to provide a visible, defensible boundary to Sydney's outer western city limit which would define and contain Sydney's urban growth. The proposal also notes that the Aerotropolis Land Use and Infrastructure Implementation Plan has extended the urban boundary to the proposed OSO in that locality.

Although currently zoned RU1 Primary Production, the proposal considers the site is no longer viable for agricultural use due to the encroachment of urban development in the SWGA and the proposed OSO would further sever the site from the surrounding rural lands. In this regard, the proposal seeks to eliminate rural land use conflicts with the existing site and neighbouring residential development.

The proponent believes that Council is best placed to resolve the adverse impacts on the site that are a consequence of the NSW Government's decision to establish the SWGA.

Officer comment

The site forms part of the MRA under the Greater Sydney Region Plan (Region Plan) and Western City District Plan (District Plan) and is outside the SWGA.

Council officer's assessment of the proposal against key strategic documents is provided as an **attachment** to this report. In summary, the proposal does not align with the strategic objectives of the Region and District Plans, Council's Local Strategic Planning Statement (LSPS), Community Strategic Plan (CSP), Rural Lands Strategy (RLS) and draft Local Housing Strategy (draft LHS). These strategic documents create a policy setting that is consistent in its approach to managing urban development within the SWGA and protecting and enhancing the values of the MRA.

At the time of the draft South West District Plan's exhibition, the proposed OSO corridor had not been identified. Council's December 2017 submission to the draft Western City District Plan, which replaced the draft South West District Plan, supported the GSC's approach of managing the MRA by limiting urban development to land within the urban area. In addition, Council's May 2018 submission to TfNSW's draft OSO corridor did not support the exhibited surface (at-grade) OSO corridor alignment due to the adverse impact it would have upon the Camden LGA.

Undermine delivery of the South West Growth Area

The Region and District Plans seek to limit urban development to within urban areas (including Growth Areas). Camden's LSPS and draft LHS also note that land required to meet housing demand should be located within the SWGA. The SWGA remains largely undeveloped, and therefore has significant capacity (approximately 65,000 dwellings according to the draft LHS) to meet Camden's housing targets, without the need to rezone and develop land in the MRA as the proposal intends.

Establishing a new development 'front' may undermine the delivery of the SWGA, by redirecting development outside its boundary and absorbing infrastructure capacity planned to service it. A new development 'front' with its additional roads, drainage and open space would place additional, unnecessary pressure on Council resources and infrastructure.

Not consistent with the values of the Metropolitan Rural Area

The Region Plan identifies that urban development is not consistent with the values of the MRA. An objective of the Region Plan is that the environmental, social and economic values of the MRA are protected and enhanced.

The District Plan and Council's LSPS also recognise the significance of the scenic and cultural landscape of the MRA, noting the rural hills and ridgelines of Camden create a distinct setting for neighbouring urban communities.

The draft proposal does not demonstrate how the MRA's values would be protected and enhanced as per the strategic objectives set out in the Region and District Plans and Council's LSPS. Most importantly, urban development is incompatible with the values of the MRA.

In addition, the broad intent of Council's RLS is to protect rural lands outside the SWGA (discussed further below). Council officers consider the proposal is inconsistent with the RLS. An assessment of the proposal against the RLS is provided as part of the assessment against strategic merit **attachment** to this report.

Proposed Outer Sydney Orbital and potential impact

The proposed OSO corridor, its alignment, acquisition and construction are yet to be confirmed by the NSW Government. As such, it is not possible to assess the potential impacts of the proposed OSO on the proposal (and vice-versa).

It is considered there is no strategic justification for urban development to be located outside of the SWGA and take up rural zoned land. On this basis, Council officers consider the proposal lacks strategic planning merit required to proceed to Gateway Determination.

Housing Diversity

The LSPS and draft LHS note there will be a growing population of smaller and ageing households that will require higher density and more diverse housing to meet their needs. The proposal, which is envisaged to contain largely single dwellings does not contribute to increasing housing diversity. However, it is noted that Camden LEP 2010 permits dual occupancy development on lots greater than 600m² in the R2 and R5 zone, which has the potential to increase housing density across the site. In addition, it is noted existing controls in the SWGA already facilitate large lot housing.



Rural Lands Strategy - Proposal is inconsistent

The proponent considers the proposal is consistent with the RLS because residential development in the SWGA is incompatible with the subject site's agricultural use. The proposal's Rural Lands Scoping Report (provided under **separate cover** to this report) found the site's current use for beef cattle grazing is unviable in its present form. The proposal notes the proposed OSO will further sever the site from surrounding rural lands and the site's environmental, cultural, and scenic values would be retained.

Officer comment

The RLS is intended to guide Council's decision making on rural land, with the broad intent being to protect rural lands outside the SWGA.

The RLS provides criteria to assist in the assessment of planning proposals for rezoning rural land outside of the SWGA. Assessment criteria 1 requires that proposals be consistent with state and local strategic plans. All local plans and strategies need to be consistent with the District and Region Plans to offer a 'line of sight' from all levels of strategic documents. This helps ensure consistency of planning outcomes.

This report has outlined the proposal is inconsistent with the objectives of key strategic documents. The RLS requires Planning Proposals to represent a logical extension to existing urban areas. Whilst it is acknowledged the site adjoins the SWGA boundary and land zoned for urban development, the site is largely separated from urban development in the SWGA by Denbigh. The site is isolated from existing and planned urban development. The Denbigh heritage curtilage provides a transition between the SWGA and the MRA.

In relation to farm viability, it is acknowledged that farming within the Sydney Basin has several challenges. The RLS contains a planning principle to 'Enhance Camden's Rural Economy' which notes the opportunities that may result from development of the Western Sydney Airport, including closer proximity to domestic and international markets that could support certain agricultural sectors.

It is considered important to protect Camden's valued scenic and cultural landscapes that create a distinct setting for neighbouring urban communities. Council officers consider the proposal would contribute to the cumulative impact on the loss of rural land over time that is inconsistent with Council's RLS.

Lacks Site Specific Planning Merit

The proponent considers the site offers a unique opportunity to provide a well-designed community near the SWGA that focuses on the locality's cultural and environmental values.

According to the proposal, riparian corridors and the majority of vegetated areas are proposed to be conserved with an E2 Environmental Conservation zone, and the impact to Cobbitty's cultural landscapes are to be managed by careful planning. Furthermore, services would be provided through land reserved for commercial uses (neighbourhood centre) and the opportunity for community uses, including a school.

Officer comment

Infrastructure and Servicing Capacity

The proposal has poor connectivity to infrastructure due to its isolated location. It is noted that social infrastructure in the SWGA has not been planned to accommodate development outside its boundary. Existing community facilities (hall, community centre and library) are all located more than 2km from the site. The proposal does not provide active open space (such as a multisport court) which would be required given its isolation.

The proposal would place pressure on existing services, including school facilities. It is likely a new primary school would be required to support the proposal's population. No planning has been undertaken for an additional school as Schools Infrastructure NSW assumes the MRA would have low population growth.

The proposal has not adequately demonstrated the servicing capacity required for future development. The site is removed from existing utility networks and servicing the site may not be commercially viable for Sydney Water and Endeavor Energy as significant upgrades would be required.

Furthermore, infrastructure and servicing capacity are crucial to supporting continued delivery of housing in the SWGA. Future development in the SWGA is generally supported by associated infrastructure upgrades and assurance from service providers on the delivery of utilities. Correspondingly, there are no plans to increase infrastructure and servicing capacity outside the SWGA.

Ecological Impact

The proposal seeks to rezone threatened ecological communities and riparian corridors E2 Environmental Conservation, which is considered appropriate and may result in improved environmental outcomes compared to the existing rural zoning.

Smaller patches of high value vegetation are proposed to be zoned residential E4 Environmental Living. The application of this zone may lead to cumulative impacts on vegetation that results in a reduction in its quality over time. Based on the proposed structure plan, it is expected that native vegetation with high or moderate ecological value would be removed or modified, leading to a reduction in vegetation quality.

It is also possible that removal of this vegetation would result in a cumulative negative impact on significant areas of CPW west of the site that is identified as a draft Strategic Conservation Area under the draft Cumberland Plain Conservation Plan prepared by the Department of Planning, Industry and Environment (DPIE).

Council officers support the protection of the high and moderate ecological values of the site at the planning proposal stage, rather than relying on the Development Application (DA) process. Should the proposal proceed, information on the long-term management / ownership of E2 zoned land is required that addresses Council's Dedication of Constrained Lands Policy.



Nearby Land Use Impact

The site contains bushfire prone vegetation and the proposal would rezone bushfire prone land for urban purposes. The proposal would also negatively impact the adjacent state listed Denbigh Heritage Curtilage as outlined below.

Visual and Heritage Impact

The proposal states it does not adversely impact on the existing rural views and vistas and curtilage of Denbigh.

The proposal seeks to offer a 'green backdrop' to Denbigh by developing the intermediate section between the valley and the ridges of the area to the north west of Denbigh. The proponent notes the visual and physical curtilage of Denbigh is significantly larger than similar historic homesteads in the SWGA.

The proponent points out that unlike surrounding developments, the proposal offers a large lot subdivision which facilitates increased vegetation opportunities on individual lots. The proponent considers that visual impact can be further addressed at the DA stage through appropriate design of development.

Officer comment

The proposal is considered to have an unacceptable impact on Denbigh's heritage qualities and setting.

Denbigh's heritage statement of significance identifies that it retains its historic views across Cobbitty valley to the escarpment. According to Heritage NSW, these views represent exceptional cultural significance as a rare, intact colonial landscape. The preservation of these view lines is of key importance, as they are fundamental to the historical interpretation of Denbigh as a state heritage item. The Denbigh Conservation Management Plan also identifies the subject site as containing areas of exceptional aesthetic value and cultural significance shown in **Figure 8**.

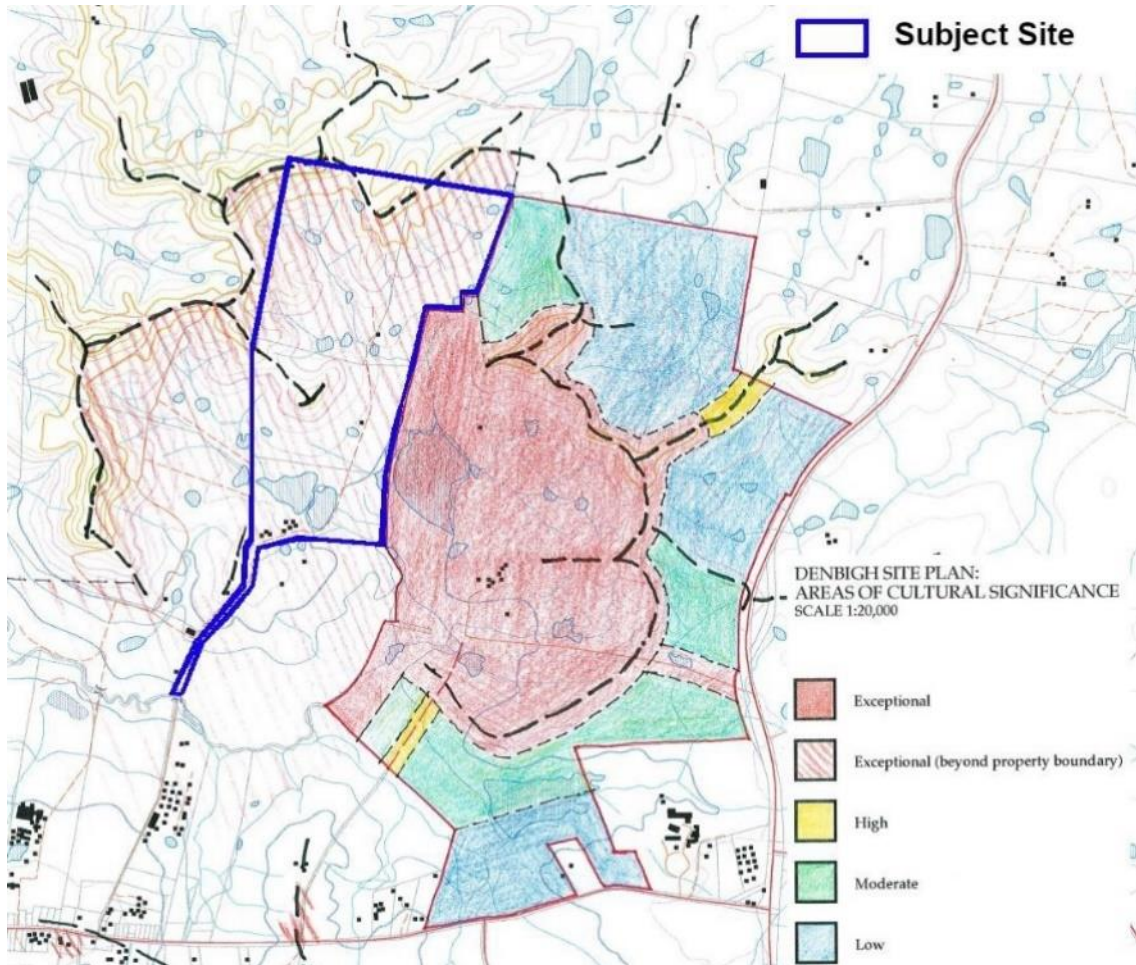


Figure 8: Areas of Cultural Significance to Denbigh (Source: Denbigh Conservation Management Plan)

A R2 Low Density Residential zone is proposed for parts of the site. Under a R2 zone, dwellings can be approved as complying development under the State Environmental Planning Policy (Exempt and Complying Development) 2008 (Codes SEPP). Council has no control over Complying Development standards, as such site-specific controls on building design, material and colours could not be enforced.

In addition, it is noted that Camden LEP 2010 permits dual occupancy development on lots greater than 600m² in the R2 and R5 zone. Should the proposal proceed, land identified as R2 and R5 with a 600m² minimum lot size could be developed for dual occupancies increasing the overall density and visual impact of the proposal.

The proposal fails to demonstrate how the social values of the MRA, such as the heritage significance of Denbigh, will be maintained and enhanced.

Traffic Impact

The proposal proposes a north-south collector road that would facilitate connections to The Northern Road through a future road network serving Oran Park and South Creek West precincts. According to the proposal, there is also the potential for the proposed OSO to incorporate an interchange at Cobbitty Road which would further improve accessibility.



Officer comment

Reliance on external road network connections

Two proposed external road connections (as shown in **Figure 10**) are relied upon to provide direct access to the site:

- An external northern connection to the north east, which traverses through the future South Creek West precinct (currently rural land) connecting to an intersection on The Northern Road; and
- A southern external road connection to the south through adjoining rural land.

Neither of the adjacent land parcels form part of the proposal and no planning for these external road connections has been undertaken by Council.

The proposal assumes vehicle circulation from the site would be facilitated via future external road connections throughout the broader SWGA area, including the South Creek West and Lowes Creek Maryland Precincts. However, the master planning and traffic impact modelling for these precincts would not have included traffic generation beyond the SWGA boundary (including the subject site), as significant traffic generation is generally not expected from within the MRA.

The Oran Park ILP does not identify a road extension to the site's north-east boundary that would facilitate the northern connection to the proposed spine road. It appears the proposed connection would cross through Oran Park's riparian corridor (zoned E2 Environmental Conservation). The proposal's Traffic and Transport Assessment (Assessment) also shows the potential for a 'future external road connection' traversing Denbigh.

Overall, it is considered the proposal cannot rely on an unplanned external road network. Additionally, it is unclear if landowners on the adjacent properties have been consulted. Should the proposal proceed, consultation would need to be undertaken with these landowners.

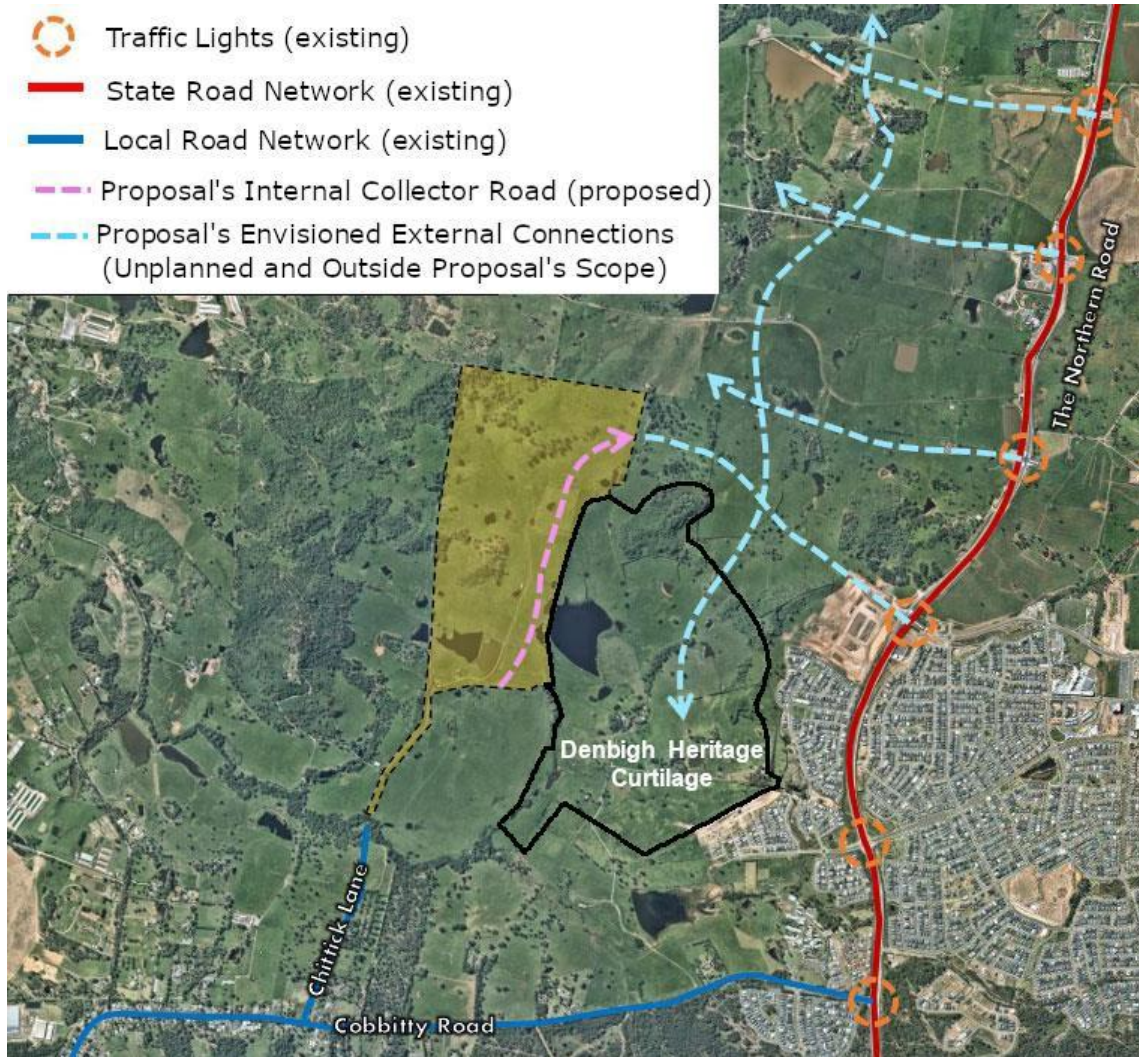


Figure 10: Proposed Road Network
 (Source: Proposal's Traffic and Transport Assessment)

Existing access via Cobbitty Lane

Existing access via Chittick Lane is of a rural character and does not meet Council's collector road standards. This route is long, narrow and partially flood affected. It is also not possible to assess the impacts of the proposed OSO on the access route. Alternate means of access would need to be in place to support traffic flow and emergency services, including a minimum of two separate external road connections in the early stages of development. It is unclear how the site can facilitate this.

The proposal states a potential interchange as part of the proposed OSO at Cobbitty Road would improve transport accessibility for future residents of the site. Council's submission to Transport for NSW (TfNSW) about the proposed OSO (May 2018) questioned the merit of potential connections to the OSO, including the proposed Cobbitty Road connection. Council's submission raises concern the increase in traffic associated with the interchange is likely to adversely affect the rural setting in Cobbitty and the potential for an adverse outcome upon Council's remaining agricultural lands.



Potential traffic impact to surrounding area

The Planning Proposal does not identify the full extent of potential traffic impacts the proposal may have on the surrounding areas of Oran Park and Cobbitty, including its impact on residential amenity of existing and future residents.

Supporting the proposal would set a precedent

According to the proposal, the subject site represents a unique case and would not result in a precedent for further urban development, as the proposed OSO would serve to define the western extent of urban development.

Officer comment

There is approximately 1,400ha of rural zoned land located between the SWGA and the proposed OSO corridor (within the Camden LGA). If the proposal were supported, it may set a precedent for the development of other rural lands located between the SWGA and the proposed OSO.

Council officers do not support the proposal's assessment that it responds to a unique set of site-specific circumstances. Land to the north and south of the site are impacted by the same conditions of the SWGA boundary and the proposed OSO corridor.

Assessment against Key Strategic Documents

The proponent's assessment of the proposal against key strategic documents is outlined in the draft Planning Proposal **attachment**. A summary of the proponent's conclusions, and Council officer's response, is outlined under the key issues of this report.

Council officer's assessment of the proposal against key strategic documents is provided as an **attachment** to this report. In summary, the proposal is inconsistent with the:

- Greater Sydney Region Plan;
- Western City District Plan;
- Local Strategic Planning Statement;
- Community Strategic Plan;
- Rural Lands Strategy; and
- Draft Local Housing Strategy.

Camden Local Planning Panel

On 16 March 2021, the Camden Local Planning Panel considered the draft Planning Proposal. The Panel considered that the proposal does not demonstrate strategic planning merit or site-specific merit to proceed to Gateway Determination.

The Panel considered it would be unwise at this stage to allow further fragmentation of rural lands given that:

- The land the subject of the Planning Proposal lies outside the boundaries of the defined urban growth area and this growth area is capable of accommodating the housing required within the Camden local government area for the foreseeable future;

-
- There is uncertainty regarding the future design and functionality of the proposed Outer Sydney Orbital, as it relates to the land; and
 - There is uncertainty regarding the provision of infrastructure and services to the land in order to accommodate urban development.

In addition, the Panel considered that the Planning Proposal has not demonstrated that the land is capable of achieving adequate connectivity to the established and planned urban area.

A copy of the Panel's meeting minutes is provided as an **attachment** to this report.

Initial Notification

Initial notification of the draft Planning Proposal has not been undertaken.

Should the proposal be supported and receive a favourable Gateway Determination from DPIE, the draft Planning Proposal will be placed on public exhibition for comment in accordance with the conditions of the Gateway Determination.

Assessment of Planning Merit

The draft Planning Proposal has been assessed against key strategic documents, including the Greater Sydney Region Plan, the Western City District Plan, Camden Local Strategic Planning Statement, Community Strategic Plan, Rural Lands Strategy and draft Local Housing Strategy.

It is considered the proposal does not demonstrate strategic planning merit and site-specific planning merit to proceed to Gateway Determination for the following reasons:

- The proposal is inconsistent with the 'line of sight' of key strategic documents that:
 - direct future urban growth to be contained within the South West Growth Area (SWGA); and
 - seek to retain rural land within the Metropolitan Rural Area (MRA) to protect and enhance the environmental, social and economic values of land in the MRA;
- The proposal would contribute to the cumulative impact on the loss of rural zoned land over time that is inconsistent with Council's Rural Land Strategy (RLS);
- The NSW Government is yet to commit to the proposed Outer Sydney Orbital (OSO) corridor alignment, its acquisition and construction. It is not possible to assess the potential impacts the proposed OSO would have on the proposal (and vice-versa);
- The proposal could set a precedent for future development of rural land located between the SWGA and the proposed OSO corridor;
- Council's draft Local Housing Strategy (LHS) clarifies that the SWGA is well-placed to cater for future housing supply. The proposal's housing supply contribution is not required for Camden to meet current and future housing supply needs;
- The proposal would have an unacceptable visual impact on Denbigh and the significant Cobbitty cultural landscape. The proposal fails to demonstrate how the social values of the MRA will be maintained and enhanced;
- The proposal would have unacceptable traffic impacts on existing and future residents in the area, including Oran Park and Cobbitty, that has not been planned to cater for traffic from the subject site.



- The proposal would represent an additional development 'front' that would place additional demands on Council resources. This could serve to undermine the successful delivery of the SWGA;
- The proposal may take up infrastructure capacity that has been planned to cater for the SWGA. The proposal could act to divert SWGA infrastructure resources that are needed to support the successful delivery of the SWGA;
- The proposal would have an adverse impact on threatened ecological communities, including Cumberland Plain Woodland; and
- It is forecast that there will be a growing population of smaller households and ageing households who will require higher density housing forms to meet their needs. The proposal does not adequately contribute to Council's goal of increasing housing diversity.

Next steps

Should Council not support the draft Planning Proposal, the proponent will be notified of Council's decision.

The proponent may request a Rezoning Review by writing to the DPIE. A rezoning review request is assessed by the Sydney Region Planning Panel and involves consultation with Council and the proponent. Councillors will be advised should a request for rezoning review be lodged with DPIE.

Should the draft Planning Proposal be supported, the following specialist studies are recommended to be undertaken:

- Retail Impact Assessment;
- Visual Impact Assessment;
- Flood Risk Assessment;
- Water Cycle Management Strategy;
- Potential Land Contamination Assessment;
- Land Capability Assessment;
- Acoustic Assessment;
- A detailed Indicative Layout Plan;
- An updated Ecological Constraints Analysis;
- An updated Heritage Impact Statement that includes an assessment against the Denbigh Conservation Management Plan;
- An updated Aboriginal Due Diligence Assessment;
- An updated Traffic and Transport Assessment that considers the (unplanned) external road connections needed to facilitate the proposal; and
- A draft Development Contributions Plan.

FINANCIAL IMPLICATIONS

There are no direct financial implications for Council as a result of this report.

CONCLUSION

The draft Planning Proposal seeks to amend the Camden LEP 2010 by rezoning approximately 146.52ha of RU1 Primary Production zoned land to R2 Low Density Residential, R5 Large Lot Residential, E4 Environmental Living, E2 Environmental Conservation, B2 Local Centre and RE1 Public Recreation.

The proposal further seeks to amend the minimum lot size from 40ha to 600m² in the R2 zone, 700m², 900m², 1,500m² and 2,000m² in the E4 zone, and 1,500m² and 2,000m² in the R5 zone to facilitate the delivery of up to 800 residential lots that would accommodate a population of 2,300 people (approximately).

Council officers have assessed the draft proposal and consider that it does not demonstrate strategic or site-specific planning merit to proceed to Gateway Determination, for the reasons outlined in the report.

RECOMMENDED

That Council:

- i. refuse the draft Planning Proposal for Lots 2,3,4 and 5 DP 239612, 220, 300, 350 and 360 Chittick Lane, Cobbitty, for the reasons outlined in the report; and**
- ii. notify the proponent of Council's decision.**

ATTACHMENTS

1. Planning Proposal - Chittick Lane, Cobbitty
2. CLPP resolution 16 March 2021
3. Attachment – Tidapa Assessment of Specialist Studies(3)
4. Attachment – Tidapa Assessment against Key Strategic Documents(3)
5. Tidapa Technical Studies
6. 3D Perspective of Proposal - Cobbitty



ORDINARY COUNCIL MEETING

ORD02

**SUBJECT: MAXIMUM SIZE FOR SECONDARY DWELLINGS IN A RURAL ZONE -
CAMDEN LOCAL ENVIRONMENTAL PLAN 2010 AMENDMENT**

FROM: Director Planning & Environment

TRIM #: 21/100975

PURPOSE OF REPORT

The purpose of this report is to inform Council of a recent amendment to the Standard Instrument Local Environmental Plan (LEP) by the Department of Planning, Industry and Environment (DPIE) that removed the maximum size for secondary dwellings on rural zoned land from the Camden LEP 2010. It is recommended that Council request that DPIE reinstate the previous clause.

BACKGROUND

Secondary dwellings are a permissible use in several zones under Camden LEP 2010 and State Environmental Planning Policy (Affordable Rental Housing) 2009. Until recently, clause 5.4(9) of Camden LEP 2010 set the maximum size of a secondary dwelling (the greater of 60m² or 25% of the floor area of the principal dwelling) on rural and non-rural zoned land.

In July 2020, the DPIE invited comment on a proposed new Housing Diversity SEPP (proposed SEPP). The changes included a proposal to provide councils with discretion to set a maximum size for secondary dwellings in a rural zone. The proposed SEPP aims to consolidate the Government's policies on housing diversity from three SEPPs into one, introduce new housing definitions (build-to-rent housing, co-living and student housing) and amend existing planning provisions for seniors housing and boarding houses. Council lodged a submission to the DPIE about the proposed SEPP in September 2020.

In December 2020, the DPIE finalised a number of changes to the Government's housing related policies. The changes included amendments to the Standard Instrument LEP which governs the provisions of all council LEPs.

The Standard Instrument LEP amendment updated compulsory clause 5.4(9) to apply to secondary dwellings on land other than in a rural zone. It also included a new optional LEP clause 5.5 which gives councils the discretion to set the maximum size of secondary dwellings in a rural zone and to set a maximum separation distance between a secondary and principal dwelling. The Standard Instrument LEP amendment is provided as an **attachment** to this report.

On 1 February 2021, the amendment to the Standard Instrument LEP took effect. As a result, Camden LEP 2010 does not include a maximum size for secondary dwellings in rural zones.

Councils were not informed of this change to their LEPs and this concern has been raised with the DPIE. In response, the DPIE has offered to coordinate an amendment to council LEPs to address this issue without the need for each council to prepare a Planning Proposal. To do this, the DPIE is seeking advice from Council on its preferred maximum size for secondary dwellings in rural zones, via Council resolution, by 30 May 2021.

A Councillor briefing was provided on this matter on 20 April 2021.

MAIN REPORT

A secondary dwelling is a self-contained dwelling that is established in conjunction with a principal dwelling on the same lot and can be attached or detached from the principal dwelling. Granny flats are a type of secondary dwelling.

What zones would optional LEP clause 5.5 apply to?

Clause 5.5, if adopted, would apply to RU1 Primary Production, RU2 Rural Landscape, and RU4 Primary Production Small Lot zones.

Proposed size of secondary dwellings in rural zones

Council officers support reinstating the previous clause in the Camden LEP 2010, which involves a maximum size of secondary dwellings in a rural zone of 60m² or 25% of the floor area of the principal dwelling, whichever is greater. This maximum size is consistent with the previous LEP clause and is consistent with the intent for secondary dwellings to complement, and be subservient to, the principal dwelling.

If an alternative maximum size for secondary dwellings in rural zones were to be explored, it would require further analysis and community consultation. This could be undertaken via future amendment to Camden LEP 2010.

Separation distance between dwellings in rural zones

Council officers do not recommend establishing a maximum separation distance between the principal and secondary dwelling. It is considered that this issue can be addressed via a merit-based assessment at a DA stage.

Camden Development Control Plan (DCP) 2019 sets out objectives and controls for secondary dwellings in rural land, including for secondary dwellings to complement the design of the principal dwelling and be subservient to the principal dwelling in terms of visual bulk and scale.

Council officers consider there is scope to review Camden DCP 2019 to encourage the clustering of principal and secondary dwellings to minimise visual impact. This would require further analysis and community consultation and could be undertaken via a future amendment to Camden DCP 2019.

Next steps

Subject to Council's endorsement, the DPIE will be requested to amend the Camden LEP 2010 in accordance with Council's resolution. The DPIE has indicated the likely timeframe to amend council LEPs is mid-2021.



FINANCIAL IMPLICATIONS

There are no direct financial implications for Council as a result of this report.

CONCLUSION

This report outlines a recent amendment to the Standard Instrument LEP by the DPIE that removed the maximum size for secondary dwellings on rural-zoned land from the Camden LEP 2010.

It is recommended that Council adopt the Standard Instrument LEP clause 5.5(a) and set a maximum size of secondary dwellings in rural zones of 60m² or 25% of the floor area of the principal dwelling, whichever is the greater, consistent with the previous LEP clause.

RECOMMENDED

That Council:

- i. adopt the Standard Instrument Local Environmental Plan clause 5.5(a) controls relating to secondary dwellings on land in a rural zone;**
- ii. subject to i, adopt a maximum size for secondary dwellings on land in a rural zone of 60m² or 25% of the total floor area of the principal dwelling (whichever is the greater); and**
- iii. not adopt the Standard Instrument Local Environmental Plan clause 5.5(b) to set a maximum separation distance between a secondary and principal dwelling.**

ATTACHMENTS

- 1. LEP Amendment Secondary Dwelling on Rural Property**

ORDINARY COUNCIL MEETING

ORD03

SUBJECT: MARCH REVIEW OF THE 2020/21 OPERATIONAL PLAN (BUDGET)
FROM: Director Customer & Corporate Strategy
TRIM #: 21/115604

PURPOSE OF REPORT

This report presents the March Quarterly Operational Plan (budget) Review for the 2020/21 financial year in accordance with Part 9, Division 3, Clause 203 of the *Local Government (General) Regulation 2005*.

Its purpose is to inform Council of the necessary changes to the 2020/21 Operational Plan since the adoption of the 2017/18 - 2020/21 Revised Delivery Program and Operational Plan, and to consider other changes put forward for determination.

BACKGROUND

In adopting the 2020/21 Operational Plan, Council approved a balanced budget position. Budget adjustments identified at the March Review represent a projected surplus of \$10,088 for the 2020/21 financial year.

The projected balanced budget is above Council's minimum working funds level of \$1,000,000.

A Councillor briefing was held on 27 April 2021.

ALLOCATION OF THE 2020/21 BUDGET SURPLUS

It is recommended that the projected surplus of \$10,088 be allocated as follows:

Budget surplus allocation		
Budget Surplus Available for Allocation		\$10,088
Less: Transfer to Capital Works Reserve	\$10,088	
Total - Allocation of Budget Surplus		\$10,088
Balanced Budget Position		\$0

CURRENT RESERVE BALANCES

Capital Works Reserve

The Capital Works Reserve is predominantly used to fund capital works or to match grant funding as part of a capital grant funding agreement. The balance of the Capital Works Reserve is as follows:



Capital Works Reserve	
Reserve Balance	\$3,246,419
Add: Previous Quarterly Review Transfers	\$32,104
Add: Proposed March Quarterly Review Transfer	\$10,088
Proposed Balance of Reserve	\$3,288,611
Committed Funds Held in Reserve	
Less: 2019/20 Revoted projects	(\$2,142,172)
Less: Adopted 2020/21 Capital Works Program Funding	(\$500,000)
Less: Four Seasons Path Footpath Lighting NSW Premiers Grant ORD 101/20	(\$25,000)
Less: RMS Active Transport Program 2020/21 Council Contribution ORD 177/20	(\$106,000)
Less: 2022/23 CSP3 Funding	(\$205,000)
Total Allocated	(\$2,978,172)
Uncommitted Balance – Capital Works Reserve	\$310,439

The balance of this reserve can be used to fund new or existing projects unable to be funded as part of considering the 2020/21 Operational Plan (budget).

Asset Renewal Reserve

Council approved the creation of the Asset Renewal Reserve as part of adopting the 2013/14 - 2016/17 Delivery Program. The balance of the Asset Renewal Reserve is as follows:

Asset Renewal Reserve	
Reserve Balance as at 30 June 2020	\$594,400
Add: LIRS Interest 2020/21	\$37,300
Proposed Reserve Balance	\$631,700
Committed Funds Held in Reserve	
Less: 2020/21 Revoted projects	(\$89,973)
Less: 2022/23 CSP3 Funding	(\$291,800)
Total Allocated	(\$381,773)
Uncommitted Balance – Asset Renewal Reserve	\$249,927

Funds from this reserve are primarily used for the replacement and/or maintenance of existing assets.

MAIN REPORT

Further information and explanation of the projected budget surplus for 2020/21 is detailed below:

PROPOSED VARIATIONS TO BUDGET

Below are the proposed variations between the adoption of the 2020/21 Budget and the March Review for 2020/21 which have led to a projected budget surplus position:

March review of the 2020/21 budget proposed variations	Budget Impact Increase/(Decrease)
Income adjustments	
Note: Increase in income is an increase to the budget Shortfall in income is a decrease to the budget	
1. Section 7.11 Transfer to General Fund	\$3,900,000
2. Development Fees & Charges	(\$1,100,000)
3. Civic Centre (COVID)	(\$200,000)
Sub Total - Income Adjustments	\$2,600,000
Expenditure adjustments	
Note: Increase in expenditure is a decrease to the budget Saving in expenditure is an increase to the budget	
4. Transfer to Working Funds Reserve	(\$1,500,000)
5. Street Lighting	\$520,000
6. Workers Compensation Premium	(\$400,000)
7. Cleaning (COVID)	(\$608,000)
8. Information Technology (COVID)	(\$155,857)
9. Equipment and Technology (COVID)	(\$68,742)
10. Council Depot Smeaton Grange (COVID)	(\$65,000)
11. Operational costs for BEP (COVID)	(\$56,637)
Variations less than \$20,000	(\$11,700)
Sub Total - Expenditure Adjustments	(\$2,345,936)
Council Authorised Variations	(\$243,976)
TOTAL - proposed variations to budget	\$10,088

Income/Expenditure Adjustments Commentary:

- Section 7.11 Transfer to General Fund – Income Increase of \$3,900,000**
Council recently completed a financial review of its Section 711 plans. The review identified \$3.9 million that should be transferred to general fund for repair works on roads constructed under a historical developer agreement. The repair program has been substantially completed and works undertaken to date have been funded from General Fund. The remaining works will continue to be funded from general fund following this transfer.

Please note that the \$3.9 million includes the \$1.45 million cash settle-up amount identified as part of a report on the Spring Farm Precinct Planning Agreement (Landcom) that was considered by Council on 13 April 2021 (ORD 40/21).



- 2. Development Fees & Charges Income – Income Decrease of \$1,100,000**
Development income has not met budget expectations 2020/21 that were set prior to COVID-19. The number of Development Applications received by Council has declined due to slowing development activity. The level of income received is dependent on the receipt of applications from developers and the decrease is representative of the current market.
- 3. Civic Centre – Income Decrease of \$200,000**
Income for the Civic Centre is lower than expected due to COVID restrictions.
- 4. Transfer to Working Funds Reserve – Expense Increase of \$1,500,000**
As part of adopting the 2017/18 – 2020/21 Delivery Program, Council resolved to part fund its works program from future quarterly budget reviews. This allowed Council to increase the funding available upon adopting the four-year Delivery Program in 2016/17. The amount required from future quarterly reviews was \$5.7 million. Upon transferring the \$1.5 million at this budget review the amount of \$5.7 million will be fully funded as at the March 2021 Quarterly Budget Review which was a requirement of Council at the time of adopting the Delivery Program.
- 5. Street Lighting Expense – Expense Savings of \$520,000**
The street lighting charges allocation relates to the maintenance and electricity cost of public lighting throughout the LGA. Savings against budget were realised as a result of the timing of installation of new lights in growth areas, decisions of the Australian Energy Regulator to cap maintenance costs increases, the increasing use of energy efficient lighting, and improved outcomes through competitive sourcing of electricity supply.
- 6. Workers Compensation – Expense Increase of \$400,000**
Increase in Workers Compensation Premiums due to the higher number of claims and ongoing support of staff on workers compensation.
- 7. COVID Cleaning Expense – Expense Increase of \$608,000**
In response to COVID, an enhanced cleaning regime is in place for all Council facilities and public areas.
- 8. COVID Information Technology Network – Expense Increase of \$155,857**
In response to COVID, additional network costs were incurred associated with staff working from home which ensured a continuation of Council's customer service function to our community.
- 9. COVID Operational Costs – Expense Increase of \$68,742**
In response to COVID, additional safety equipment and technology costs were incurred.
- 10. COVID Smeaton Grange Depot Running Costs – Expense Increase of \$65,000**
In response to COVID, a second depot was constructed at Smeaton Grange. This was a control measure to ensure, if one depot could not be used due to a COVID related issue, Council could still provide essential services to our community. This provides for sound operational risk management in a COVID environment.

11. COVID Operational Costs for BEP – Expense Increase of \$56,637

Additional costs associated with the maintenance of the Bicentennial Equestrian Park to meet COVID requirements.

COUNCIL AUTHORISED VARIATIONS

Council has authorised 13 budget variations since the adoption of the 2020/21 Budget. A list of these approved variations is provided in the following table:

Council approved variations	Expenditure (Increase)/Decrease	Income Increase/(Decrease)	Budget Impact Increase/(Decrease)
COVID 19 Business Support Grants ORD 130/20	(\$219,976)	\$0	(\$219,976)
Bins4Blokes Men's Health Initiative ORD 10/21	(\$24,000)	\$0	(\$24,000)
Acquisition of Land – Gledswood Hills ORD 15/21	(\$203,320)	\$203,320	\$0
Request for Repayment of Surplus Credits Section 7.11 ORD 17/21	(\$300,820)	\$300,820	\$0
COVID 19 Community Support Package ORD 24/21	(\$618,000) \$618,000	\$0	\$0
Acceptance of Grant - Crown Reserves Improvement Fund _ Camden RSL's Youth Facility ORD 25/21	(\$312,273)	\$312,273	\$0
Acceptance of Grant Funding - NSW Government seniors festival grant program - virtual connect project ORD 26/21	(\$10,000)	\$10,000	\$0
Acceptance of Grant – Summer Fund, Festival of Place – ORD 28/21	(\$9,100)	\$9,100	\$0



Council approved variations	Expenditure (Increase)/Decrease	Income Increase/(Decrease)	Budget Impact Increase/(Decrease)
Road Closure and Disposal – ORD 33/21	(\$78,500)	78,500	\$0
Spring Farm Precinct Planning Agreement ORD 40/21	(\$1,456,637)	\$1,456,637	\$0
Acceptance of Grant – Bicentennial Equestrian Park Recreation Trail – Metropolitan Greenspace Program ORD 42/21	(\$250,000)	\$250,000	\$0
Acceptance of Grant – Road Safety Program – Federal Government Stimulus Commitment ORD 43/21	(\$155,000)	\$155,000	\$0
Construction of Wandarrah Reserve Amenities Building, Mount Annan ORD 44/21	(\$80,000)	\$80,000	\$0
TOTAL	(\$3,099,626)	\$2,855,650	(\$243,976)

CONTRA ADJUSTMENTS

This section deals with all offsetting adjustments between income and expenditure or a transfer of funds between allocations. These adjustments have no impact on Council's projected budget result or ability to complete Council's existing works program.

During the period 1 January 2021 to 31 March 2021, a number of contra adjustments have taken place amounting to a total of \$9,074,402. A detailed list of the adjustments is provided as an **attachment** to this report.

FUNDING ADJUSTMENTS FOR MAJOR PROJECTS IN 2021/22

Oran Park Leisure Centre

An update on the Oran Park Leisure Centre project was presented to Council on 2 February 2021. The briefing identified that an additional \$5.7 million would provide for improved operation efficiencies, customer experience and sustainability outcomes for the facility. Funding is available from Section 7.11 taking the total project to \$63.3 million.

Narellan Sports Hub Stage 2

The scope of the Narellan Sports Hub Stage 2 has been revised, following the identification of an opportunity to include additional works (earthworks, improved soil profile, irrigation, drainage, and flood lighting) to deliver formal playing fields to the north of the netball courts. The cost of the additional works is \$2 million and can be funded from the Community Support Package Stage 3 (CSP3) allocation in 2021/22 that was adopted by Council on 9 March 2021. After this allocation it will take the total project to \$19.3 million.

Kirkham BMX Facility

A proposal to bring forward funding for the Kirkham BMX Facility from 2022/23 to 2021/22 was briefed to Council on 2 March 2021. The fast-tracked works include the design and construction of a pump track. When these works are complete, they will cater for club, state, national and international events. There is sufficient funding from Section 711 available in the 2021/22 budget to bring these works forward. The cost of the additional works is \$1.1 million taking the total allocation for this stage of the project to \$3.9 million.

COUNCILLOR CONSOLIDATED WARD FUNDS

The balance of Consolidated Ward Funds is \$73,754.

CONSOLIDATED WARD FUNDS	
2020/21 Budget Allocation	\$30,000
2019/20 Ward Funds Revote	\$43,754
TOTAL FUNDS AVAILABLE	\$73,754
PROJECTS FUNDED IN 2020/21	
TOTAL PROJECTS FUNDED IN 2020/21	\$0
BALANCE OF CONSOLIDATED WARD FUNDS	\$73,754

It should be noted that the balance of Consolidated Ward Funds is over and above the projected balanced budget position as advised in this report.

SUMMARY OF MARCH REVIEW ADJUSTMENTS

The following table is a summary of budget adjustments up to 31 March 2021.



Summary of budget adjustments	Expenditure (Increase) / Decrease	Income Increase / (Decrease)	Budget Impact Increase / (Decrease)
2019/20 Carry-Forward Working Funds			\$1,000,000
2020/21 Adopted Budget Position			\$0
LESS: Minimum Desired Level of Working Funds			(\$1,000,000)
September 2020 Review Adjustments	(\$3,729,957)	\$3,729,957	\$0
December 2020 Review Adjustments	(\$7,591,594)	\$7,591,594	\$0
TOTAL Available Working Funds 01/07/2020			\$0
NOTE 1: Proposed Variations	(\$2,345,936)	\$2,600,000	\$254,064
NOTE 2: Authorised Variations	(\$3,099,626)	\$2,855,650	(\$243,976)
NOTE 3: Contra Adjustments	(\$9,074,402)	\$9,074,402	\$0
TOTAL - March Review Adjustments	(\$14,519,964)	\$14,530,052	\$10,088
TOTAL available working funds (uncommitted cash)			\$10,088

ON-TIME PAYMENT POLICY REPORTING

At the end of each quarter, Council is required to report on compliance with its adopted On-Time Payment Policy. This Policy requires Council to pay interest where an invoice received from small business (turnover less than \$2 million p.a.) has been held by Council for more than 30 days and the interest payable is more than \$20.

Council processes approximately 13,500 invoices each year. As at 31 March 2021, Council had processed 46 invoices from registered small businesses for the quarter. Two of these invoices became overdue during the reporting period. These invoices have been paid and no interest was payable on them.

STATEMENT BY RESPONSIBLE ACCOUNTING OFFICER

The following statement is made in accordance with Clause 203(2) of the *Local Government (General) Regulation 2005*:

It is my opinion that the Quarterly Budget Review Result for Camden Council for the period ending 31 March 2021 indicates that Council's projected financial position is satisfactory. No remedial actions are required based on the financial position presented within this report.

CONCLUSION

The March Quarterly Budget Review is complete and submitted for Council's consideration.

RECOMMENDED

That Council:

- i. approve the necessary budget adjustments as identified in the categories of ‘proposed variations’ and ‘contra adjustments’ in this report;**
- ii. allocate an additional \$5.7 million for the Oran Park Leisure Centre from Section 7.11 in 2021/22;**
- iii. allocate an additional \$2 million for the Narellan Sports Hub Stage 2 from the CSP3 allocation in 2021/22;**
- iv. bring forward funding of \$1.1 million currently allocated in 2022/23 to 2021/22 for stage 2 of the BMX Facility.**

ATTACHMENTS

1. 2020-21 March Review - Budget Appendix
2. 2020-21 March Review - QBRs



ORDINARY COUNCIL MEETING

ORD04

SUBJECT: OUTDOOR DINING POLICY
FROM: Director Customer & Corporate Strategy
TRIM #: 21/78823

PURPOSE OF REPORT

The purpose of this report is to provide Council with feedback on the implementation of the Outdoor Dining Policy following the completion of a 12-month moratorium period on fees and to seek endorsement to permanently remove fees relating to outdoor dining.

BACKGROUND

On 11 February 2020, Council adopted minor amendments to the Outdoor Dining Policy (the Policy), endorsed its public exhibition and a 12-month moratorium on fees relating to outdoor dining, and requested a further report be received regarding the implementation of the Policy following the completion of the moratorium period.

In accordance with the Council resolution, the amended Policy was placed on public exhibition from 11 March 2020 to 1 May 2020. All restaurant and café operators in Camden were sent a letter with the amended Policy and a fact sheet on outdoor dining notifying them that the Policy was on public exhibition.

No submissions were received during the public exhibition period and outdoor dining fees were waived from 2 May 2020 to 2 May 2021.

Councillors were briefed on this matter on 20 April 2021.

MAIN REPORT

Outdoor dining is a key component of a vibrant place, providing critical additional space in a COVID-19 environment for hospitality businesses. In recognition of this, a program of activations and events is being prepared as part of Council's Stage 3 Community Support Package, designed to further activate the town centre and support outdoor dining activities facilitated by the Policy.

To attract businesses to use outdoor dining during the 12-month moratorium on fees, Council officers engaged with all eligible cafés and restaurants in Camden advising them of the benefits of outdoor dining, Council's incentives for participation, the process for applying, and offered additional site visits and assistance where required. Individual site plans for each business were also prepared in accordance with Policy guidelines.

Of the 28 businesses in the Camden town centre who are eligible for an Outdoor Dining Permit, 14 have approvals under the Policy. The remaining 14 were notified of the outdoor dining opportunities but did not submit applications; of those 14, four indicated that outdoor dining was not suitable for their business.

Business Feedback

In March 2021, Council officers contacted business owners who have Outdoor Dining Permits and conducted phone surveys seeking feedback on their experience with the process and any benefits derived from offering outdoor dining.

Of the 14 businesses who have Outdoor Dining Permits, 13 took part in the survey. All respondents indicated positive experiences with the application process in terms of:

- Understanding the process;
- Ease of lodgement;
- Duration for processing the permit; and
- Customer experience.

Ten businesses indicated that the addition of outdoor dining was beneficial to their business, while three indicated that there was a net-zero impact. All businesses using outdoor dining indicated that they would continue providing outdoor dining if it continued to be fee-free.

Summary

As a result of streamlining the application process for businesses, there has been a positive response to outdoor dining in the Camden town centre.

To promote outdoor dining, support local cafés and restaurants, and encourage businesses to apply for an Outdoor Dining Permit, it is recommended that all fees associated with the Policy be permanently removed from Council's adopted fees and charges. It is anticipated that the program of activations and events being prepared as part of Council's Stage 3 Community Support Package will further support outdoor dining activities.

The permanent removal of the outdoor dining fee will require the proposed change to be placed on public exhibition for a period of 28 days. To ensure continuance of the fee-free period, it is also recommended that Council extend the moratorium period on outdoor dining fees until the 28 day exhibition period ends or Council considers the matter again due to an unresolved submission.

FINANCIAL IMPLICATIONS

In accordance with Council's adopted fees and charges, the following fees currently apply to outdoor dining:

- Application Fee – \$250 (valid for up to seven years)
- Cost per year – \$55 per m²

The impact of a permanent removal of outdoor dining fees is immaterial to Council's budget due to the limited number of businesses that are eligible for outdoor dining under the Policy.

CONCLUSION

This report recommends that a permanent removal of all fees relating to Council's Outdoor Dining Policy be endorsed.

RECOMMENDED

That Council:

- i. extend the moratorium period on outdoor dining fees to allow the public exhibition of the permanent removal of the fees for a period of 28 days; and**
- ii. following the public exhibition period:**
 - a. if no unresolved submissions are received, adopt the permanent removal of the fees effective from the day after the close of the exhibition period;
or**
 - b. if any unresolved submissions are received during the public exhibition period, be provided a further report to review submissions.**



ORDINARY COUNCIL MEETING

ORD05

SUBJECT: INVESTMENT MONIES - MARCH 2021
FROM: Director Customer & Corporate Strategy
TRIM #: 21/114809

PURPOSE OF REPORT

In accordance with Part 9, Division 5, Section 212 of the *Local Government (General) Regulation 2005*, a list of investments held by Council as at 31 March 2021 is provided.

MAIN REPORT

The weighted average return on all investments was 1.08% p.a. for the month of March 2021. The industry benchmark for this period was 0.02% (Ausbond Bank Bill Index) and the current official cash rate as determined by the Reserve Bank of Australia (RBA) is 0.10%.

The Responsible Accounting Officer (the Chief Financial Officer) has certified that all investments have been made in accordance with Section 625 of the *Local Government Act 1993*, the relevant regulations and Council's Investment Policy.

Council's Investment Report is provided as an **attachment** to this report.

RECOMMENDED

That Council:

- i. note that the Responsible Accounting Officer has certified that all investments held by Council have been made in accordance with the *Local Government Act 1993*, Regulations, and Council's Investment Policy;**
- ii. note the list of investments for March 2021; and**
- iii. note the weighted average interest rate return of 1.08% p.a. for the month of March 2021.**

ATTACHMENTS

1. Investment Monies - March 2021



ORDINARY COUNCIL MEETING

ORD06

SUBJECT: ACCEPTANCE OF GRANT FUNDING - SPRINGFIELD ROAD, CATHERINE FIELD AND DICKSON ROAD, LEPPINGTON DESIGN PROJECTS

FROM: Director Community Assets

TRIM #: 21/130936

PURPOSE OF REPORT

The purpose of this report is to seek Council's acceptance of grant funding from the Department of Planning, Industry and Environment (DPIE), under the State Voluntary Planning Agreement (VPA) Program 2020 Funding, for the design of part of Dickson Road, Leppington and Springfield Road, Catherine Field totalling \$4,846,114 (excl. GST).

BACKGROUND

Council made an application for grant funding for the design of part of Dickson Road, Leppington and Springfield Road, Catherine Field under the State VPA Program 2020 Funding. Council has been advised that our grant application for these projects has been successful.

MAIN REPORT

The DPIE has collected funds through the State VPA Program to assist in funding the infrastructure required for the release of new housing and employment land in areas where contributions revenue is collected.

Two road design projects nominated by Camden Council being the Dickson Road, Leppington and Springfield Road, Catherine Field designs have been successful and will receive \$1,819,112 and \$3,027,002 (excl. GST) respectively. It is recommended that Council accept the offer of grant funding for these projects.

These design projects will assist in the future planning and delivery of infrastructure to support population growth within the South West Growth Centre.

FINANCIAL IMPLICATIONS

Grant funding has been received in the sum of \$4,846,114 (excl. GST) for two road design projects. Each project will receive 50% of the funding allocation in the current 2020/21 financial year, with the remaining 50% to be provided at an agreed milestone to be identified within the funding agreement.

CONCLUSION

Council has been successful in securing grant funding from the DPIE, under the State VPA Program 2020 Funding, for the design of Dickson Road, Leppington and Springfield Road, Catherine Field for \$4,846,114 (excl. GST). It is recommended that the grant funding be accepted.

RECOMMENDED

That Council:

- i. accept grant funding of \$4,846,114 (excl. GST) from the Department of Planning, Industry and Environment under the State Voluntary Planning Agreement Program 2020 Funding Round for the Dickson Road, Leppington and Springfield Road, Catherine Field projects.**
- ii. write to The Hon. Rob Stokes, MP Minister for Planning and Public Spaces, thanking him for the grant; and**
- iii. write to Mr Peter Sidgreaves MP, Member for Camden, thanking him for his support.**



ORDINARY COUNCIL MEETING

ORD07

**SUBJECT: MINUTES TO THE 23 NOVEMBER 2020 AND 25 NOVEMBER 2020
AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETINGS**

FROM: General Manager

TRIM #: 21/109220

PURPOSE OF REPORT

The purpose of this report is to provide Council with the minutes of the 23 November 2020 and 25 November 2020 Audit, Risk and Improvement Committee meetings.

BACKGROUND

Council endorsed the implementation of a Business Assurance and Risk Management framework in June 2014. This framework included the establishment of a Business Assurance and Risk Committee (renamed Audit, Risk and Improvement Committee).

Council resolved to adopt the Committee's current Audit, Risk and Improvement Committee Charter on 9 April 2019. The Charter includes a requirement to report draft minutes to Councillors via the Councillor Update, and to subsequently report the final minutes to Council for noting after they have been approved at the next Audit, Risk and Improvement Committee meeting.

MAIN REPORT

The Audit, Risk and Improvement Committee met on 23 November 2020 and 25 November 2020. The agenda discussed at the meetings included:

23 November 2020 Meeting

- Review of financial statements and external audit reports for the year ended 30 June 2020;
- Payment of expenses and provision of facilities to Councillors Internal Audit Report; and
- Governance Information Report – 30 June 2020.

25 November 2020 Meeting

- Enterprise Risk Management;
- Performance reporting – implementation of integrated planning and reporting framework and corporate health indicators;
- External Audit Update;
- Audit Report Recommendations – Implementation Status Update October 2020;
- Internal Audit Plan Status Update;
- Proposed 3-Year Internal Audit Program – January 2021 to December 2023;
- Internal Audit Quality Assurance Self-Assessment;
- Update on Reports from Authoritative Bodies; and
- Other Audit and Risk Related Matters.

The draft minutes of the 23 November 2020 and 25 November 2020 Committee meetings were circulated to Councillors as part of the Weekly Councillor Update on 8 January 2021 and subsequently approved at the 31 March 2021 Committee meeting. The approved minutes are provided as **attachments** to this report.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

CONCLUSION

The Audit, Risk and Improvement Committee plays an important role in supporting the governance framework of Council. Reporting the minutes from Committee meetings keeps Council informed of the outcomes from those meetings and they are submitted for information.

RECOMMENDED

That Council note the Minutes of the Audit, Risk and Improvement Committee meetings of 23 November 2020 and 25 November 2020.

ATTACHMENTS

1. Minutes to 23 November 2020 Audit, Risk and Improvement Committee meeting
2. Minutes to 25 November 2020 Audit, Risk and Improvement Committee meeting



ORDINARY COUNCIL MEETING

ORD08

SUBJECT: CLOSURE OF THE MEETING TO THE PUBLIC
FROM: General Manager
TRIM #: 21/144883

In accordance with the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*, the following business:

- Staffing Matter;

is, in the opinion of the General Manager, of a kind referred to in Section 10A(2) of the Act, being:

- Personnel matters concerning particular individuals (other than Councillors) (Section 10A(2)(a));

and should be dealt with in a part of the meeting closed to the media and public.

Before a part of the meeting is closed, members of the public may make representations as to whether that part of the meeting should be closed. Representations can only be made in writing to the General Manager prior to the commencement of the meeting or a fixed period immediately after the motion is moved and seconded. That period is limited to four minutes under Council's Code of Meeting Practice.

The meeting will only be closed during discussion of the matters directly the subject of the report and no other matters will be discussed in the closed part.

Members of the public will be readmitted to the meeting immediately after the closed part has ended and, if Council passes a resolution during the closed part, the Chairperson will make the resolution public as soon as practicable after the closed part has ended.

RECOMMENDED

That Council:

- hear any objection or submission by a member of the public, limited to a period of four minutes, concerning the closure of the meeting; and**
- close the meeting to the media and public to discuss a report dealing with a personnel matter in accordance with the provisions of Section 10A(2)(a) of the *Local Government Act 1993*.**